

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JERRY COMER,)	CASE NO. 3:04CV7183
)	
PETITIONER,)	
)	
v.)	JUDGE PETER C. ECONOMUS
)	
PAT HURLEY, WARDEN,)	
)	
RESPONDENT.)	MEMORANDUM OPINION
)	AND ORDER

On March 31, 2004, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 challenging the constitutionality of his criminal conviction. This case was referred to Magistrate Judge George J. Limbert for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and LR 72.1 (Dkt. ##19, 20). On January 25, 2005, Magistrate Judge Limbert filed a report recommending that Petitioner's application for habeas corpus be denied (Dkt. #21). On March 4, 2005, Petitioner filed objections to this recommendation (Dkt. #23).

The Court has reviewed the report and recommendation of the Magistrate Judge, *de novo*. The Court finds that the report and recommendation (Dkt. #21) is well-supported and that Petitioner's objections are without merit. Therefore, Magistrate Judge Limbert's report and recommendation is hereby **ADOPTED** and Petitioner's objections are overruled.

Accordingly, Petitioner's Writ of Habeas Corpus is **DENIED**. Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be

taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ Peter C. Economus - May 12, 2005

**PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE**